

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

GENE ALLEN,  
Petitioner,

vs.

LAGRAND, WARDEN, *et al.*,  
Respondents.

3:11-cv-00138-RCJ-VPC

**ORDER**

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2241, by a Nevada state prisoner. Petitioner has submitted a motion for leave to proceed *in forma pauperis* and a petition for a writ of habeas corpus, along with various motions. Based on the information regarding petitioner's financial status, the motion shall be denied without prejudice. Petitioner will need to provide an updated financial certificate to demonstrate his current financial situation, as the certificate submitted with the application is dated July 1, 2010 and is more than six months out of date.

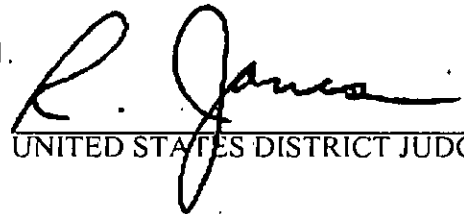
**IT IS THEREFORE ORDERED** that the motion for leave to proceed *in forma pauperis* (Docket #1) is **DENIED WITHOUT PREJUDICE**. Petitioner shall have **thirty (30) days** from the date this order is entered in which to file an amended application for leave to proceed

1 in *forma pauperis*, which shall include a financial certificate that is dated no earlier than March 1,  
2 2011.

3 **IT IS FURTHER ORDERED** that the Clerk **SHALL SEND** petitioner the form and  
4 instructions for the application to proceed in *forma pauperis* for his use in responding to this order.

5 **IT IS FURTHER ORDERED** that the Clerk shall **RETAIN** the petition but not file  
6 it at this time. The remaining motions shall be addressed once the issue of the filing fee is resolved.

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8 Dated this 25th day of March, 2011.

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10 UNITED STATES DISTRICT JUDGE  
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